

Bryan Cave LLP
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Santa Monica, California 90401-2386

BRYAN CAVE LLP
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Attorneys for Plaintiff,
La Quinta Franchising, LLC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT, SAN FRANCISCO

LA QUINTA FRANCHISING, LLC,
a Nevada limited liability company,

Plaintiff,

vs.

CORDELIA HOTEL VENTURE, INC.,
a California Corporation and DOLAT
PATEL, an individual,

Defendants.

Case No. C072556 JL

[Assigned to Magistrate Judge James
Larsen]

**DECLARATION OF JOEL SIEGEL IN
SUPPORT OF MOTION FOR
DEFAULT JUDGMENT**

Date: TBD
Time: TBD
Dept: TBD

[Filed concurrently with Notice of
Motion and Motion for Default
Judgment; Points and Authorities; and
[Proposed] Order]

I, Joel Siegel, declare and state as follows:

1. I am an attorney, duly licensed to practice before the United States District Court Northern District, for the State of California. I am a partner of Bryan Cave LLP, attorneys for Plaintiff La Quinta Franchising, LLC ("La Quinta Franchising"). I submit this declaration in support of entry of default judgment against Defendants Cordelia Hotel Venture, Inc. and Dolat Patel. This Declaration is based upon my personal knowledge, and if I were called as a witness, I could and

1 would testify as set forth below.

2 2. I have primary responsibility for the handling of this matter on
3 behalf of the Plaintiff. I have personally handled and am familiar with the
4 preparation of the research, pleadings, motion and supporting evidence necessary to
5 obtain judgment in favor of Plaintiff in this action.

6 3. The Agreements at issue in this case contain an attorneys' fees
7 provision at Section 20.07 that provides that reasonable attorneys' fees and costs
8 incurred in an action arising out of or relating to the Agreements shall be recovered
9 by the prevailing party. See Declaration of Rajiv Trevidi, Exh. "1."

10 4. In the preparation and research of the pleadings and evidence,
11 Plaintiff incurred time and costs necessary to obtain judgment in this action. There
12 were various costs incurred, including but not limited to, costs expended in
13 conducting research, drafting the complaint and preparing papers to obtain an entry
14 of default and default judgment. I am the former Note and Article Editor of The
15 Hastings Law Journal and have been practicing law since 1991. I am now a partner
16 at Bryan Cave, LLP and my billing rate is \$460 an hour. Heather Orr is an associate
17 at Bryan Cave LLP and her billing rate is \$305 an hour. She is a 2005 graduate of
18 University of Pennsylvania and was admitted to practice in 2005. These services
19 were reasonable and necessary for this purpose and, based upon my experience, I
20 believe the fees are both reasonable and customary in this community for provision
21 of legal services in litigation of this nature. Attached hereto as **Exhibit "1,"** and
22 incorporated herein, is a true and correct copy of the redacted bills in this matter.

23 5. The total amount of attorneys' fees incurred in connection with
24 obtaining judgment upon the evidence submitted in this action was at least
25 \$22,414.00, per L.R. 55. In addition, Plaintiff incurred filing fees of \$1,822.82.
26 Plaintiff requests an award of fees and costs of \$24,232.82.

27 6. Additionally, Plaintiff requests the award of prejudgment
28 interest in the amount of \$4,898.63 which is an amount equal to 6% interest on the

1 \$100,000 in liquidated damages owed to La Quinta Franchising accruing from the
2 date on which the Franchise Agreement was breached until the current date.

3 7. Since Defendants are not infants, incompetent persons or serving
4 in the military, the Soldiers' and Sailors' Civil Relief Act does not apply. Notice
5 and motion papers have been served as required under FRCP Rule 55(b)(2) upon
6 Defendants in this action.

7 8. Defendants' defaults were entered on July 10, 2007. Attached
8 hereto as **Exhibit "2,"** and incorporated herein, is a true and correct copy of the
9 entry of default.

10 I declare under penalty of perjury of the laws of the United States of
11 America that the foregoing is true and correct.

12 Executed on August 20, 2007, at Santa Monica, California.

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16 Joel Siegel
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Date	Initials	Name / Invoice Number	Hours	Amount	Description
11/27/2006		9803 Joel D. Siegel	1.3	565.5	Review correspondence and threat of impending
12/14/2006		Invoice=9560757	1.3	565.5	litigation from opposing counsel; correspondence to and from client review client documents for and draft initial Complaint; confirm venue
11/28/2006		9803 Joel D. Siegel	2.7	1,174.50	Work on and revise Complaint; multiple
12/14/2006		Invoice=9560757	2.7	1,174.50	correspondence and tel conference with client re
11/29/2006		9803 Joel D. Siegel	2.3	1,000.50	Revise and forward draft review
12/14/2006		Invoice=9560757	2.3	1,000.50	entire file client correspondence and brief research regarding
11/29/2006		9843 Shelly C. Gopaul	0.5	125	Research on
12/14/2006		Invoice=9560757	0.5	125	between parties; forwarded
11/30/2006		9803 Joel D. Siegel	0.5	217.5	Multiple tel conferences with client and
12/14/2006		Invoice=9560757	0.5	217.5	opposing counsel re
12/1/2006		9803 Joel D. Siegel	0.3	130.5	Multiple correspondence with opposing counsel
1/26/2007		Invoice=9569525	0.3	130.5	and client.
12/13/2006		9803 Joel D. Siegel	0.4	174	Multiple correspondence re
1/26/2007		Invoice=9569525	0.4	174	
4/23/2007		9801 Brian H. Cole	0.3	123	Discussion concerning
5/25/2007		Invoice=9594034	0.3	123	
4/23/2007		9803 Joel D. Siegel	0.8	368	Review file, status, and discuss strategy with
5/25/2007		Invoice=9594034	0.8	368	

4/24/2007	9803 Joel D. Siegel	1.8	828 Revisit pleading, documents and strategy
5/25/2007	Invoice=9594034	1.8	828 multiple correspondence with client and work to be done; begin
4/24/2007	4709 Karen S. Iasnack-McNej	1	180 Research
5/25/2007	Invoice=9594034	1	180
4/25/2007	9803 Joel D. Siegel	0.9	414 Review incoming research on
5/25/2007	Invoice=9594034	0.9	414 multiple tel conferences with client re
4/26/2007	8642 Eliza M. Nichols	1.3	396.5 Revise and edit complaint.
5/25/2007	Invoice=9594034	1.3	396.5
4/30/2007	8642 Eliza M. Nichols	2.5	762.5 Revise and edit complaint; draft civil cover
5/25/2007	Invoice=9594034	2.5	762.5 sheet and summons.
4/30/2007	9803 Joel D. Siegel	0.4	184 Review and final pleading; client
5/25/2007	Invoice=9594034	0.4	184 correspondence.
5/1/2007	9803 Joel D. Siegel	0.2	92 Correspondence with client re
6/29/2007	Invoice=9601963	0.2	92
5/10/2007	9803 Joel D. Siegel	0.6	276 Correspondence with client, final complaint.
6/29/2007	Invoice=9601963	0.6	276
5/11/2007	9803 Joel D. Siegel	0.4	184 Client correspondence; prepare Complaint for
6/29/2007	Invoice=9601963	0.4	184 filing, summons; service.
5/14/2007	9803 Joel D. Siegel	0.3	138 Final and arrange for service of Complaint.
6/29/2007	Invoice=9601963	0.3	138

5/15/2007	9236 Karol M. Howard	0.2	29 Obtain contact information for
6/29/2007	Invoice=9601963	0.2	29
5/29/2007	9236 Karol M. Howard	0.2	29 Obtain copy of docket for
6/29/2007	Invoice=9601963	0.2	29
5/29/2007	4817 Susan M. Gordon	0.2	50 Update docketing database.
6/29/2007	Invoice=9601963	0.2	50
6/12/2007	9236 Karol M. Howard	0.2	29 Obtain copy of docket for
6/13/2007	8644 Heather S. Orr	0.3	91.5 Review docket to determine
6/21/2007	4817 Susan M. Gordon	0.2	50 Research
6/21/2007	4817 Susan M. Gordon	3	750 Draft motions for default for Dolat Patel and Cordelia Hotel and related documents.
6/21/2007	9803 Joel D. Siegel	0.5	230 Confirm service and default strategy, work on same.
6/25/2007	9803 Joel D. Siegel	0.5	230 Work on and arrange for defaults, paperwork, against Patel, et al.
6/25/2007	4817 Susan M. Gordon	5	1,250.00 Revise requests for default and related papers; prepare same for electronic filing; prepare service to counsel and courtesy copy to judge.
7/5/2007	4817 Susan M. Gordon	0.5	125 Review docket for status of requests for default; contact court regarding same.
7/5/2007	9803 Joel D. Siegel	0.3	138 Confirm status of default; correspondence with

client.

7/5/2007	9236 Karol M. Howard	0.2	29 Obtain copy of docket for S. Gordon
7/6/2007	9803 Joel D. Siegel	0.5	230 Follow up on default, status and judgment to be taken .
7/10/2007	4817 Susan M. Gordon	0.5	125 Review docket for status of requests for default; contact court regarding entry of default today and documents requested by the court.
7/10/2007	9236 Karol M. Howard	0.2	29 Obtain copy of docket for S. Gordon.
7/11/2007	4817 Susan M. Gordon	0.5	125 Telephone conference with court clerk; electronically send documents requested by same.
7/16/2007	4817 Susan M. Gordon	1	250 Telephone conference with court clerk; electronically forward materials requested by court clerk.
7/19/2007	8644 Heather S. Orr	0.5	152.5 Conference with S. Gordon re begin reviewing case file in preparation for filing default judgment package; conference with J. Siegel re
7/20/2007	8644 Heather S. Orr	6	1,830.00 Begin preparing default judgment package.
7/24/2007	8644 Heather S. Orr	0.5	152.5 Review and edit Default Judgment package.
7/25/2007	8644 Heather S. Orr	3.2	976 Revise Default Judgment package.
7/25/2007	9803 Joel D. Siegel	0.6	276 Address failure to return manuals, default prove up and judgment.

7/25/2007	9804 Glenn Plattner	2.6	1,105.00	Review and revise motion for default and related documents.	
7/27/2007	9804 Glenn Plattner	2.8	1,190.00	Review and revise motion for default judgment and related declarations. Legal research re Texas law for liquidated damages and interest.	
7/27/2007	8644 Heather S. Orr	0.3	91.5	Review correspondence re revisions to Default Package.	
7/30/2007	8644 Heather S. Orr	5	1,525.00	Revise and edit default judgment prove-up package; conduct follow-up research re prejudgment interest rates allowable in Texas.	
7/31/2007	8644 Heather S. Orr	5.7	1,738.50	Revise and edit default judgement package.	
7/31/2007	9804 Glenn Plattner	2.7	1,147.50	Legal research re liquidated damages. Review and revise motion and related papers.	
7/31/2007	9803 Joel D. Siegel	0.7	322	Review and revise supporting Trivedi declaration, motion; multiple correspondence with client re same.	
7/31/2007	5897 Rachel J. Hernandez	0.3	12	Redacting documents.	
8/1/2007	9804 Glenn Plattner	2.7	1,147.50	Legal research and work on liquidated damages section of motion for default.	
UNBILLED TOTALS:		WORK:	47	15,347.50	29 records
UNBILLED TOTALS:		BILL:	45.5	14,972.50	
BILLED TOTALS:		WORK:	19.1	7,441.50	22 records
BILLED TOTALS:		BILL:	19.1	7,441.50	

GRAND TOTALS:	WORK:	66.1	22,789.00	51	records
GRAND TOTALS:	BILL:	64.6	22,414.00		

UNITED STATES DISTRICT COURT
Northern District of California
450 Golden Gate Avenue
San Francisco, California 94102

www.cand.uscourts.gov

Richard W. Wieking
Clerk

General Court Number
415.522.2000

July 10, 2007

RE: CV 07-02556 JL LA QUINTA FRANCHISING-v- CORDELIA HOTEL VENTURE INC

Default is entered as to defendant's Cordelia Hotel Venture Inc. and Dolat Patel on 7/10/07.

RICHARD W. WIEKING, Clerk

by Gloria Acevedo
Case Systems Administrator
To Chief Magistrate Judge James Larson

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 120 Broadway, Suite 300, Santa Monica, California 90401-2386.

On August 20, 2007, I served the following documents, described as:

NOTICE OF MOTION AND MOTION OF PLAINTIFF LA QUINTA FRANCHISING, LLC, FOR DEFAULT JUDGMENT AGAINST DEFENDANTS CORDELIA HOTEL VENTURE, INC. AND DOLAT PATEL

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT AGAINST DEFENDANTS CORDELIA HOTEL VENTURE, INC. AND DOLAT PATEL

DECLARATION OF RAJIV TRIVEDI IN SUPPORT OF MOTION FOR DEFAULT JUDGMENT

DECLARATION OF JOEL SIEGEL IN SUPPORT OF MOTION FOR DEFAULT JUDGMENT

[PROPOSED] ORDER FOR DEFAULT JUDGMENT AGAINST DEFENDANTS CORDELIA HOTEL VENTURE, INC. AND DOLAT PATEL

on each interested party in this action, as follows:

Dolat Patel
782 Ignacio Woods Court
Concord, CA 94518

Mohammed Rahseparian,
Agent for Service of Process
Cordelia Hotel Venture, Inc.
5370 Clayton Road
Concord, CA 94520

☒ (BY MAIL) I placed a true copy (or original) of the foregoing document in a sealed envelope addressed to each interested party as set forth above. I placed each such envelope, with postage thereon fully prepaid, for collection and mailing at Bryan Cave LLP, Santa Monica, California. I am readily familiar with Bryan Cave LLP's practice for collection and processing of correspondence for mailing with the United States Postal Service. Under that practice, the correspondence would be deposited in the United States Postal Service on that same day in the ordinary course of business.

☐ (BY DELIVERY) I caused a true copy of the foregoing document to be served by delivery to the offices of counsel of record for the interested party in this action.

☐ (BY FEDEX) I deposited in a box or other facility maintained by FedEx, an express carrier service, or delivered to a courier or driver authorized by said express carrier service to receive documents, a true copy of the foregoing document, in an envelope designated by said express service carrier, with delivery fees paid or provided for.

Bryan Cave LLP
120 Broadway, Suite 300
Santa Monica, California 90401-2386

Executed on August 20, 2007, at Santa Monica, California.

☒ (FEDERAL ONLY) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

I declare under penalty of perjury under the laws of the United States of America and the state of California that the foregoing is true and correct.



KAMEELAH HAKEEM